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OFFICE OF PETITIONS

In re Application of :
Beal, et al. :
Application No. 10/666,838 :
Filed: 17 September, 2003 :
Attorney Docket No. 022010-000210US :

ON PETITION

This is a decision on the petition filed on 21 October, 2005, under 37 C.F.R. §1.47(a).

For the reasons set forth below, the petition under 37 C.F.R. §1.47(a) is **DISMISSED as moot.**

BACKGROUND

The record indicates:

- the instant application was filed on 17 September 2003, without, *inter alia*, a fully executed oath/declaration;
- on 26 November, 2004, the Office mailed a Notice of Missing Parts indicating, *inter alia*, that a fully executed oath/declaration was required within two months;
- on 27 June, 2005, Petitioner filed the original petition (and request and fee for extension of time) with, *inter alia*, a statement by Steven C. Peterson (Reg. No. 36,238), a statement of Leslie J. Sebastian, averred to be the president of Puronyx, Inc.—which did not appear to be stated as—an/the assignee, along with an oath/declaration containing the signature of named co-inventors Beal, Krajecki, Blue, Hyman, Harrington and Tedesco (for themselves and on behalf of) but without the signature of named non-signing co-inventor Alan E. Jordan (Mr. Jordan), and an averment that Mr. Jordan's signature could not be

obtained on the oath/declaration, however, the petition was dismissed on 9 September, 2005, because the evidence was clear that Petitioner submitted to the purported assignee and the purported assignee transmitted to Mr. Jordan only the oath/declaration and not the entire application (description, claims, abstract, drawings), as required, to be presented to the non-signing inventor;

- the instant petition avers that Mr. Jordan has joined in the oath/declaration and Petitioner presents a document he avers to contain the signature of Mr. Jordan.

In view of the joinder of the inventors, further consideration under Rule 1.47(a) is not necessary and the petition is considered to be moot. This application does not have any Rule 1.47 status and no such status should appear on the file wrapper. This application need not be returned to this Office for any further consideration under Rule 1.47(a).

CONCLUSION

For the foregoing reasons, the instant petition is **dismissed as moot for joinder**.

This application is being released to OIPE for further processing as necessary before being returned to substantive examination in due course.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3214.



John J. Gillon, Jr.
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Office of Petitions